



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

June 2, 2022

Re: FOIA Request NLRB-2022-001090

Dear Keldy Ortiz (Newsday):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on April 29, 2022, in which you seek copies of the charge and amended charge in Case No. 29-CA-294121; copies of the charge and letter approving withdrawal in Case Nos. 29-CA-263745 and 29-CA-26042; copies of the charge, compliance closing letter, conformed bilateral settlement agreement and RD Order in Case No. 29-CA-257646; copies of the charge and letter approving withdrawal in Case No. 29-CA-250506; copies of all documents in Case Nos. 29-CA-242625, 29-CA-236922, 29-CA-235879, 29-CA-237876, 29-CA-226068, 29-RC-215193, 29-CA-214454, 29-CB-217969 and 29-CA-238992; copies of the charge and letter approving withdrawal in Case Nos. 29-CA-239486, 29-CA-230521, 29-CA-260428, 29-CA-238546 and 29-CA-238150. You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on April 29, 2022. In your May 4, 2022 reply email to a member of my staff, you narrowed the scope of your request to copies of the charge and dismissal letter in Case No. 29-CB-217969; copies of the charge and amended charge in Case No. 29-CA-294121; copies of the charges and letters approving withdrawal in Case Nos. 29-CA-263745 and 29-CA-260428; copies of the charge, compliance closing letter, conformed bilateral settlement agreement and RD Order in Case No. 29-CA-257646; copies of the charge and letter approving withdrawal in Case No. 29-CA-250506; copies of the charge and letter approving withdrawal in Case Nos. 29-CA-239486, 29-CA-230521, 29-CA-260428, 29-CA-238546, 29-CA-238150; copies of the complaints, the settlement agreements, and the RD letters approving withdrawal in Case Nos. 29-CA-242625, 29-CA-235879, 29-CA-236922, 29-CA-237876, 29-CA-238992; and copies of the complaints, the letters approving withdrawal, the settlement agreements, and the letters closing the cases on compliance in 29-CA-226068/29-CA-214454. In addition, you modified your request both to include a copy of the complaint in Case No. 29-CA-294121 as well as to exclude records from Case No. 29-RC-215193. Your request for expedited processing is granted.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has located 60 pages of responsive, releasable records from the requested

case file, which are attached. Please note that the search did not yield a complaint in Case No. 29-CA-294121.

After a review, I have determined that portions of the attached records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

In addition, I have also determined that portions of the attached records are withheld pursuant to Exemption 4 of the FOIA. Exemption 4 protects "commercial or financial information obtained from a person [that is] privileged or confidential." 5 U.S.C. § 552(b)(4). Specifically, as applied to the portions of the attached records withheld under Exemption 4, those portions contain financial information that was mutually agreed upon by the parties to be withheld from disclosure as confidential. See also, *Food Marketing Institute v. Argus Leader Media*, 139 S.Ct. 2356, 2363 (2019), (where information a party does not customarily release to the public and it is not available to the public from any other sources is confidential for purposes of Exemption 4).

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person "actively gathering news for an entity that is organized and operated to publish or broadcast news to the public." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request.

You may contact Michael A. Maddox, the FOIA Attorney-Advisor who processed your request, at (202) 273-0013 or by email at Michael.Maddox@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902

Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:

<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (60 pages)